

Planning Commission

Meeting Minutes

**March 12, 2015
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order – Chairman Pritchard called the meeting to order at 6:30 P.M.

Roll Call was taken and the following members were present:

Commission Members Present:	Chris Pritchard, Chairman Cary Tengler, Vice Chairman Ann O'Connell, Secretary Steve Brauneis Jeff Moline Tom Rice Scott Russell
Staff Members Present:	Troy Russ, Director of Planning and Building Safety Sean McCartney, Principal Planner Scott Robinson, Planner II Lauren Trice, Planner I

Approval of Agenda –

Sean McCartney says that the first agenda item regarding Gateway PUD Amendment lists the wrong descriptor which should say "resolution recommending City Council approve an amendment to the Gateway Final Planned Unit Development (PUD) to modify the height allowance language on Lots 1 and 2, Block 1 from "1 story with 26 feet maximum building height" to "1 or 2 stories with a maximum building height of 26 feet".

Russell made motion and Moline seconded to approve the agenda. Motion passed by voice vote.

Approval of Minutes –

Moline made motion and O'Connell seconded to approve February minutes. Motion passed by voice vote. Abstain by Russell.

Public Comments: Items not on the Agenda
None.

Regular Business – Public Hearing Items

- **Gateway PUD Amendment: Resolution 08: Series 2015**, Resolution recommending City Council approve an amendment to the Gateway Final Planned Unit Development (PUD) to modify the height allowance language on Lots 1 and 2, Block 1 from "1 story

with 26 feet maximum building height” to “1 or 2 stories with a maximum building height of 26 feet”.

- Applicant and Representative: Vern Seieroe, Architect
- Owner: Tiera Nell and Jeremy Weiss
- Case Manager: Troy Russ, Director of Planning and Building Safety

Conflict of Interest and Disclosure:

None.

Public Notice Certification:

Published in the Boulder Daily Camera on February 22, 2015. Posted in City Hall, Public Library, Recreation Center, Courts, and Police Building on February 20, 2015. Mailed to surrounding property owners and property posted on February 23, 2015.

Staff Report of Facts and Issues:

Russ presented from Power Point:

- Property located in southwest intersection of South Boulder Road and McCaslin in the Gateway subdivision. Block 1, Lots 1 and 2.
- Property annexed in the City with Ordinance 1166, Series 1994. Within the annexation is an agreement with specific language, both in ordinance and annexation agreement, stating the dwelling shall be a single story, not more than 26 feet in height, specifying floors and height.
- Property was approved for Planned Unit Development in Resolution 65, Series 1996. There is specific language on cover sheet under Land Use Summary stating maximum building height for Lots 1 and 2, Block 1 shall be one story with a maximum of 26 feet.
- City Council was concerned about the views. Staff interviewed the Council member who made the motion for the 26 feet height. He does not recall why Council did both the 26 feet height limitation and the story limitation. He said they were worried about preserving the view. It is consistent with the minutes found.
- Russ shows photographs taken on March 13, 2015 showing a building currently being built on Lot 1, which is 26 feet tall structure. Photography shows red line drawn to illustrate a 26 feet height for Lot 2.
- All properties east of McCaslin are allowed to build to 27 feet and two stories; west of McCaslin 26 feet and one story.
- Lot 2 is 98,000 sf, translating to a 9,800 sf footprint allowed.
- As a part of the PUD, there are no minimum root pitch requirements, no unique setback requirements, and no landscape controls.
- The approved landscape plan will eventually block the view. Landscaping in the right-of-way currently in place will crowd the view as well.
- A 26 feet, 2 story structure would not worsen the view corridor beyond what is allowed.
- Architect and property owners did contact the Copper Hill Homeowners Association Design Review Committee. The HOA Design Committee correspondence states they do support a two story house that does not exceed 26 feet in height. Staff has not received any comments from the public prior to this hearing.

Staff Recommendations:

Staff recommends approval of Resolution No. 08, Series 2015. A resolution recommending City Council approve an amendment to the Gateway Final Planned Unit Development (PUD) to modify the height allowance language on Lots 1 and 2, Block 1 from “1 story with 26 feet maximum building height” to “1 or 2 stories with a maximum building height of 26 feet”.

Commission Questions of Staff:

Moline asks about location clarification of where photograph was taken.

Russ answers photo was taken at northwest corner of intersection, taken across McCaslin.

O'Connell asks about the 9,800 footprint or total square footage of the house?

Russ answers just the footprint. In current regulations, this is the allowed maximum. Staff has not received a building permit request.

Brauneis thanks Russ for contacting the City Council member who was involved. He clarified that on the east side of McCaslin, a 27 feet allowance and two stories are allowed.

Russ answers it is consistent with the underlying zone district.

Applicant Presentation:

Verne Seieroe, Architect, 417 Vivian Street, Longmont, CO.

- Tiera Nell and Jeremy Weiss are parents of three young children.
- The house as designed is intended to be energy efficient. There will be a library, mudroom, domestic utility room, and modest mother-in-law suite. Ceilings are 8 feet and 10 feet which fits into the height limitation. The roof pitch is 4:12.
- The architect and owners have approached the Copper Hill HOA Design Review Committee twice. The first time was in regard to the placement of the structure. The site plan shows the building placement and the Design Committee suggested it there or further to the north. They are trying to preserve the view corridor at Copper Hill Drive. The lot was purchased for location, size, and western view.
- Design considerations include no two story glass and no vertical elements. There are horizontal lines with eave depth.

Tiera Nell and Jeremy Weiss, Owners, 2287 S Columbine, Denver, CO 80210

- House is designed for family needs. They have three small children. Ms Nell is sole adult responsible for her parents, who may be residing with them in the couple years due to age. This increases the family number to 7.
- House was never meant to be a mammoth-sized house. The first floor would be the living space and her parents' living space with the second floor being three bedrooms for them and their children. The second story is much smaller than the first story.
- If the home needs to be single story, she is concerned about the footprint and environmental impact. More concrete means more heat radiation and less water absorption and more water runoff. They are also concerned about a large footprint translating to a larger loss of views.
- They wish a Craftsman/New England style home for the two story home. If a ranch style footprint is approved, then higher ceilings will be requested. She thinks the one story plan or the two story plan will reach 26 feet height.

Commission Questions of Applicant:

Tengler asks about residence location clarification on Staff photo. Tengler asks how high would a one story house be?

Seieroe uses pointer to show approximate location. He says a one story would approach 24 to 25 feet. Ceilings have been held back to 8 feet and 10 feet. Roof pitch would be increased to a 6:12 pitch.

Rice asks about two story square footage footprint? What is the comparison between two story and a one story configuration?

Seieroe answers the two story is approximately 5000 sf excluding the garage. Footprint increased between a one story and two story footprint would be 300 sf.

Public Comment:

Sherry Sommer, 910 South Palisade Court, Louisville, CO 80027

She says that currently, the numbers and figures make the project seem amorphous so when do they become firm? She feels a concession is being given in saying this home can be built to two stories. She wonders if the owners can give a concession that will benefit the City.

Pritchard answers that the Planning Commission (PC) is deciding the height issue tonight and what it entails. He states that the owners have a right to build to 26 feet resident, so a one story or a two story is allowed.

Russ answers that if there is a waiver to the LMC, then there is a trade-off for public benefit.

This is not a waiver to the underlying zone district. They are not asking for a waiver to the LMC.

Rice clarifies that the PC is being asked to waive the one story requirement to allow two stories.

Russ answers affirmative.

Moline asks if the PC could recommend approval but it is conditional that the applicant presents the City with a plan consistent with the one presented tonight? Is that a reasonable condition?

Russ answers yes, but because of the level of specificity in the drawings Staff has as a part of the application, he would not feel comfortable for it to be binding. The PC could reduce the lot coverage requirement associated with this. They are at the 10% coverage and can build at 9,800 sf footprint down. He has not heard this size being proposed.

Dan Boyd, 1540 South 88th Street, Louisville, CO 80027

He is a professional civil engineer and building the home on Lot 1. He is in support of the request for two stories. He sees no negative impact and the positive impact is the reduced footprint for a two story. He would have built a two story if he had known he had the option.

Summary and request by Staff and Applicant:

Staff recommends approval. Nothing from applicant.

Closed Public Hearing and discussion by Commission:

Tengler in support. Brauneis in support. Moline in support. O'Connell in support. Rice in support. Russell in support. Pritchard in support.

Motion made by Russell to approve Resolution No. 08, Series 2015. Second by O'Connell. Roll call vote.

Name	Vote
Chris Pritchard	Yes
Jeff Moline	Yes
Ann O'Connell	Yes
Cary Tengler	Yes
Steve Brauneis	Yes
Scott Russell	Yes
Tom Rice	Yes
Motion passed/failed:	Pass

Motion passes 7-0.

- **Centennial Valley Replat: Resolution 09, Series 2015**, A resolution recommending approval of a replat to subdivide a single 334,325 sf lot into two separate lots zoned planned community zone district-commercial (P-C), located at 248 Centennial Parkway/1172 W. Century Drive; Lot 1, Block 2, Centennial Valley Business Filing 6.

- Applicant and Representative: Roger Kelley, Baseline Land Surveying, Inc., President
- Owner: John Fetley, Westcore Centennial
- Case Manager: Lauren Trice, Planner I

Conflict of Interest and Disclosure:

None.

Public Notice Certification:

Published in the Boulder Daily Camera on February 22, 2015. Posted in City Hall, Public Library, Recreation Center, Courts, and Police Building on February 20, 2015. Mailed to surrounding property owners and property posted on February 20, 2015.

Staff Report of Facts and Issues:

Trice presented from Power Point:

- Property located at the intersection of W. Century Drive and Centennial Parkway
- Zoned Planned Community Zone District – Commercial (P-C)
- 334 sf and 325 sf
- 2 existing, one-story, L-shaped buildings
- No changes to existing site
- Lot 1A – 184,863 SF and Lot 1B – 149,461 SF
- Complies with Minor Subdivision Criteria

Commission Questions of Staff:

Tengler asks if Staff has any concerns about the size of the lot of the subdivision relative to the size of the buildings?

Trice answers negative.

Applicant Presentation:

Roger Kelley, Baseline Land Surveying, 10475 Irma Drive, Unit #3, Northglenn, CO 80223

- There is no proposed plan with no proposed development.
- It is a straight replat.

Commission Questions of Applicant:

Pritchard asks the applicant if he is comfortable with the condition.

Kelley verified with the owner that there is no problem with the condition for shared access or maintenance agreements.

Public Comment:

None.

Summary and request by Staff and Applicant:

Staff recommends Planning Commission approve of Resolution No. 9, Series 2015, a resolution recommending approval of a replat to subdivide a single 334,325 SF lot into two separate lots zoned Planned Community Zone District – Commercial (P-C), located at 248 Centennial Parkway/1172 Century Drive; Lot 1, Block 2, Centennial Valley Business Filing 6., with the following condition:

- The applicant will provide an agreement between the two lots to establish shared parking, cross access and overall maintenance.

Closed Public Hearing and discussion by Commission:

Russell in support. Rice in support. O'Connell in support. Moline in support. Brauneis in support. Tengler in support. Pritchard in support.

Motion made by Brauneis to approve Resolution No. 09, Series 2015, with the condition as stated. Seconded by Moline. Roll call vote.

Name	Vote
Chris Pritchard	Yes
Jeff Moline	Yes
Ann O'Connell	Yes
Cary Tengler	Yes
Steve Brauneis	Yes
Scott Russell	Yes
Tom Rice	Yes
Motion passed/failed:	Pass

Motion passes 7-0.

- **Centennial Valley Skilled Nursing: Resolution 10, Series 2015,** A resolution recommending approval of a final planned unit development (PUD) and general development plan (GDP) amendment for a new 44,000 square foot, 48 bed skilled rehabilitation facility at 1107 Century Drive, Lot 1, Block 3, Centennial Valley Business Park 1.

- Applicant, Representative and Owner: Flatiron Rehab
- Case Manager: Scott Robinson, Planner II

Conflict of Interest and Disclosure:

None.

Public Notice Certification:

Published in the Boulder Daily Camera on February 22, 2015. Posted in City Hall, Public Library, Recreation Center, Courts, and Police Building on February 20, 2015. Mailed to surrounding property owners and property posted on February 20, 2015.

Staff Report of Facts and Issues:

Robinson presented from Power Point:

- Final PUD and GDP amendment to allow for a new 44,000 sf, 48 beds, skilled rehabilitation facility at 1107 Century Drive, located in Centennial Valley Business Park.
- It is located between McCaslin and Centennial Parkway, behind the Centennial Pavilion Lofts.
- Property is zoned Planned Community Zone District - Commercial (PCZD-C) zone district . It is governed by the Centennial Valley General Development Plan, last modified in 2005.
- The GDP designates the area including 1107 Century as "Parcel G," with allowed uses limited to research, office, and retail. The proposed medical facility does not fall under one of those allowed uses. The applicant is requesting to amend the GDP to designate 1107 Century as "Parcel G2," with an authorized use of "institutional," which would allow the requested use. The proposed use is for a skilled nursing facility for patients needing physical therapy or post-surgery rehabilitation for short stays (days or weeks) but not long term residents.
- The 2013 Comprehensive Plan update designates 1107 Century as "urban special district." The Comprehensive Plan indicates special districts should include a mix of uses tailored to the specific area, including institutional. The Centennial Valley special district currently includes mostly office uses. The addition of an institutional use such as a skilled rehab facility would integrate well into the area while adding to the mix of uses and complying with the Comprehensive Plan.
- SITE PLAN: The proposed site plan includes a single building with a 22,000 square foot footprint. The building is located in the northwest corner of the lot, and faces southeast. The building, parking, and driveways are proposed to cover 50% of the site. The

remainder of the site, if approved, will include a pedestrian hardscape area, landscaped setback areas, and landscaped drainage facilities.

- **PARKING:** The CDDSG does not provide parking guidelines for institutional uses of this nature; however, Section 17.20.020 does have parking guidelines for hospitals of three spaces per two beds. That translates to 72 spaces recommended for the proposed 48 bed facility. The applicant is proposing 70 parking spaces, or 2.92 spaces per two beds. The applicant has provided an analysis of its parking needs based on staffing levels indicating 70 spaces will be adequate. Staff finds this arrangement satisfactory.
- **ARCHITECTURE:** The majority of the building exterior would be exterior insulated finishing system (EIFS) panels of various shades of beige. The EIFS panels have the appearance of stucco, and would be accented by stone veneer at the base of the building and a green metal parapet cap. The main entrance is proposed to be on the south elevation, with a secondary entrance at the back to access the courtyard area. The proposed building includes significant horizontal articulation and vertical articulation provided by gable facades along the front of the building. Windows would be repeated at regular intervals. The main entrance would be accented by the porte-cochere. The proposed building will be 26.5 feet tall which is below the maximum permitted height of 35 feet in the CDDSG. All roof mounted mechanical equipment will be screened by the roof parapet.
- The ends of the side wings have sizeable blank walls with no glazing. Staff recommends a condition, which the applicant has agreed to, that additional texture be added to the walls. Staff recommends either ghost windows or additional stick-work to match the style of the building.
- The trash and generator enclosures shall be constructed of durable materials such as stone, brick, or metal with dark finishes in compliance with section 6.1(F) of the CDDSG.
- **LANDSCAPING:** The landscaping has been placed to screen the parking lot from the public view point and to provide a buffer between adjacent land uses. The drainage for the site will be accommodated in three detention ponds along the southern side of the site. The detention ponds will be seeded with native seeding. The parking area will include landscaped islands separating parking bays. The landscape plan as submitted complies with the CDDSG. The drainage and utilities plans have been reviewed by Public Works and they have found it satisfactory.
- **SIGNS:** The applicant is proposing a monument sign at the main entrance. The proposed monument sign and any additional signs will comply with the CDDSG.
- **LIGHTING:** The applicant has submitted a lighting plan which includes wall lights on the building and pole lighting in the parking lot. The lights meet the specifications of the CDDSG.

O'Connell makes motion to enter three emails into the record. Seconded by Tengler. Passed by voice vote.

Commission Questions of Staff:

O'Connell asks about institutional use on the property. Could future tenants and owners be able to use the property as an institutional use as well? Do you have a definition for institutional use for PC?

Robinson answers yes, it is tied to this specific parcel. It does not cover any other parcels in Centennial Valley. When it goes to City Council, there will be an amendment to the development agreement for Centennial Valley giving more detail. It will be zoned for institutional use.

Tengler asks for examples of institutional use.

Robinson answers examples include general use medical facilities, civic uses, schools, and day care.

O'Connell says the Comp Plan includes a mix of uses tailored to a specific area. Why do we want institutional in that area?

Robinson answers the plan is to get a complementary mix of usage not reliant on offices; to get different traffic patterns.

Russell says there are references in the public comments about this being an alcohol and rehabilitation center. Is this a potential use?

Robinson says his understanding is this is not a drug and alcohol rehab facility. Those types of centers require a SRU.

Pritchard asks if an alcohol rehab facility fall under the definition of "institution?"

Robinson answers affirmative.

Brauneis clarifies the PC is not approving this type.

Moline asks about building coverage guidelines for this lot?

Robinson answers the building footprint plus parking cannot exceed more than 70%.

Applicant Presentation:

Jason Messaros, 1603 Oak Ridge Drive, Fort Collins, CO 80525, Landscape Architect

He has no additional presentation.

Commission Questions of Applicant:

Pritchard asks whether he has looked over the conditions from Staff?

Messaros answers he has reviewed them and is okay with them.

Rice asks about a letter from the Centennial Pavilion Lofts Condominium Association HOA to the east of the property pointed out four items of concern.

Messaros answers he is not familiar with these items. All of the typical parameters for construction will be maintained.

Rice asks Robinson about the letter. Are these four issues addressed by building code?

Robinson answers:

- **#1 - 44,000 sf building be located on the northwestern corner of the lot.** Robinson says the building is indeed located in the NW corner.
- **#2 – significant drainage directed east of the planned development.** Robinson says the drainage plan has been reviewed by Public Works and approved. Because of the site slope, the drainage will go to the SE corner where the detention pond is.
- **#3 – adequate barrier on the east side of the development to protect from excessive soil "pollution".** Robinson says there will be standard construction requirements such as a silt fence.
- **#4 – area between our property and planned development have appropriate landscaping and open space.** Robinson says there is landscaping between the property and the parking lot and additional landscaping in the parking lot itself.

Robinson feels all four items have been addressed and met.

Moline asks the applicant his definition of what a skilled nursing facility is and what are typical patients?

Messaros says skilled nursing facility is a place between a hospital stay and home. After surgical procedures, patients are not ready to take care of themselves, so they spend a little time at a facility to get on their feet. It is not hospital care but it is skilled nursing, being maintained and observed. There are no surgical practices taking place at the facility.

Tengler asks about the length of stay and type of patient. Is this the next step up from assisted living for a senior or physical rehab after surgery?

Massaros says it is not a nursing home but is available for all age groups post hospital stay or prior to a hospital stay. It is medical-related but not necessarily care-related. Length of time for projected stay is a number of weeks as opposed to months.

Tengler asks whether the owner manages a number of facilities?

Messaros says the owner owns a number of facilities throughout the country.

Tengler mentions other letters in the record. Some dealt with security. Are there security measures regarding patients posing threat to neighbors nearby.

Messaros says it is not part of the program.

Tengler asks about the amount of traffic it may bring. What are the typical guests and the typical traffic patterns associated with this clientele? Any ambulances or emergency vehicles? Messaros says the majority of traffic is related to employees. Patients will be brought in by hospital van. There will be typical traffic use patterns seen at a medical facility such as a hospital. Patients will receive visitors on occasion. It is not busy at night but visitors may come at night outside business hours. Ambulances will not be a typical situation.

Robinson says he has the allowed institutional uses would be from the draft amendment to the development agreement. City Council still has to agree to it. Draft states "institutional use is permitted for Parcel G2 shall be limited to the following: medical clinics, rehabilitative nursing facilities, convalescent centers, skilled nursing facilities, acute treatment units, home care agencies, hospice care, assisted living facilities, and long term care facilities".

Public Comment:

Priscilla Carlson and Dave Bahr, 1053 West Century Drive, Unit 208, Louisville, CO 80027
She states there are vacant buildings in the area. If there are buildings already built and vacant, why can they not be used? She and her husband were at the recent McCaslin Corridor meeting and mention was made of a blended Main Street versus McCaslin. Parks were discussed. If there are resources that are empty, perhaps they could be considered.

Robert Snyder, Century Lofts, 1057 Century Drive, Unit 321, Louisville, CO 80027
He lives on the third floor and enjoys a good view to the west. He is concerned about increased traffic in the neighborhood. The design shows the parking lot next to an existing parking lot. It sounds like more traffic to the residential area. He mentions that Louisville has a "hospital zone" where Avista Hospital is located. Perhaps this would be a better location for this venue.

Peter Wolton, 1112 Hillside Lane, Louisville, CO 80027
He lives in the neighborhood to the west of the property. He also works at Plexus at 285 Century Place in the middle of the business park. He walks around the field on a daily basis. He has talked with his neighbors and is happy to hear the facility will not be a drug and alcohol rehabilitation center. He is concerned about increased noise pollution and traffic from the employees. He asks about shifts and when they begin and end. He asks if they could be coordinated with rush hour traffic. He wonders about a graveyard shift which typically begins at 11 pm. He also mentions the McCaslin Small Plan Area which wants to make it a vibrant urban/suburban area. He does not think a surgery rehab center seems to fit in with this growth plan. He does not think it will draw people into shops.

Summary and request by Staff and Applicant:

Russ mentions about the small area planning process. The City did not place a moratorium on development here. It is not governed by the small area plan or the planning process. The PC is being asked to review this application against the existing regulation, the Commercial Development Design Standards and Guidelines within the Centennial Valley GDP. It can be confusing to the public. The McCaslin Study was just begun and the purpose is to update the standards to which this project is judged against.

Robinson recommends approval of **Centennial Valley Skilled Nursing: Resolution 10, Series 2015**, A resolution recommending approval of a final planned unit development (PUD) and general development plan (GDP) amendment for a new 44,000 square foot, 48 bed skilled rehabilitation facility at 1107 Century Drive, Lot 1, Block 3, Centennial Valley Business Park 1, with the two conditions.

1. The trash and generator enclosures shall be constructed of durable materials such as stone, brick, or metal with dark finishes in compliance with section 6.1(F) of the CDDSG.

2. Ghost windows or extra stickwork shall be added to the front facade end walls of the side wings to create additional visual interest.

Closed Public Hearing and discussion by Commission:

Tengler in support. The questions raised in the letters appear to be the result of misinformation; that the project was a drug and alcohol rehab center. Regarding traffic, the staff number will be a minimal amount. Regarding alternative locations, the PC does not decide where businesses want to locate.

Brauneis in support. He appreciates the traffic concern in the area. He does not think this proposed use will be grossly out of character with what is expected.

Moline asks Staff what can be built on this location as a use by right?

Robinson says office or research and development. It would be an office building similar to surrounding buildings.

Russ adds from a traffic perspective, the allowed office use per square foot would generate more traffic than an institutional use or a research facility.

O'Connell in support. She discusses the three shifts mentioned by the applicant of 74 full-time employees. She thinks this project is a benefit to the area. She states that people visiting patients will then visit restaurants and do some shopping.

Rice in support. He states the question is not whether the property should be developed but what should be allowed to develop on the property. Currently, Parcel G has allowed uses of research, office, and retail. He thinks retail would generate more traffic than the use being proposed.

Russell not in support. The aspiration for this corridor is clear: to activate it and make it interesting; create some sense of place. This parcel is not zoned open space so it will be developed. He does not support the architecture of the project, which he thinks is a blight on the community.

Pritchard in support. He recognizes that there was misconception about the nature of this facility. In the future, if a facility of this nature is proposed, the City has an opportunity to address it through the SRU. He agrees that the architecture is not the best design. All land in Centennial Valley can be developed. He thinks this is a product the community needs.

Tengler says that he agrees the building has little architectural distinction.

O'Connell says it is outside the purview of the PC to ask the applicant to improve the exterior of the building.

Russell states the PC critiques and drives design frequently. The use of the project is compatible with the area. The applicant is asking for a change to the zoning and the PC should then scrutinize it closely.

Motion made by Tengler to approve Resolution No. 10, Series 2015. Seconded by Rice with the two conditions. Roll call vote.

Name	Vote
Chris Pritchard	Yes
Jeff Moline	Yes
Ann O'Connell	Yes
Cary Tengler	Yes
Steve Brauneis	Yes
Scott Russell	No
Tom Rice	Yes
Motion passed/failed:	Pass

Motion passes 6-1.

Commissioner Tengler excused at 7:55 pm.

- **DELO Plaza: Resolution 11, Series 2015:** A resolution recommending approval of a Rezoning, Final Plat, Final Planned Unit Development (PUD) and Special Review Use (SRU).

- Applicant and Representative: Justin McClure, RMCS, LLC.
- Owner: TEBO Properties
- Case Manager: Sean McCartney, Principal Planner

Conflict of Interest and Disclosure:

None.

Public Notice Certification:

Published in the Boulder Daily Camera on February 22, 2015. Posted in City Hall, Public Library, Recreation Center, Courts, and Police Building on February 20, 2015. Mailed to surrounding property owners and property posted on February 20, 2015.

Staff Report of Facts and Issues:

McCartney presented from Power Point:

- DELO Plaza property is at the northwest corner of South Street and Highway 42, bounded on the north by Short Street. It has proximity to Miners Field, South Street Underpass, Downtown Louisville, Little Italy, and Highway 42 Louisville Sports Complex.
- **Parking area Purchase and Sale Agreement**
 - Council approved Purchase and Sale Agreement to acquire .638 acre parcel to be used for overflow parking, 79 spaces.
 - Purchase not binding unless Council approves this plat, PUD and SRU with the following conditions:
 - Cannon Street dedicated to the City at no cost to the City
 - No public land dedication req'd on Plat
 - Rezoning Agreement permitting the following:
3 drive-thru's; No two story requirement; No minimum lot coverage (CC); Minimum 15' setback (CC); A 5 year reprieve on Industrial uses
No required parking maximum; Stormwater in regional facility;
Match site plan shown in Exhibit B
- **Rezoning**
 - Property currently zoned Industrial
 - Redevelopment of this parcel requires rezoning to comply with Exhibit A
 - Requesting to Rezone to CC – Hwy 42 and MU-R – Parking
 - Purpose of the request for:
 - 23,000 SF commercial development
 - 79 space City parking lot
 - Extension of Cannon Street
 - Zoning complies with Exhibit B of Section 17.14
- **Final Plat -- Creates Four Lots**
 - Lot 1 (27,775 SF or .64 acres) – Lot 1 is shown on the PUD as a drive thru use.
 - Lot 2 (28,426 SF or .65 acres) – Lot 2 is shown on the PUD as a drive thru use.
 - Lot 3 (64,639 SF or 1.48 acres) – Lot 3 is shown with a multi-unit commercial building.
 - Lots 1-3 achieve access from Short and South Street
 - Lot 4 (27,752 SF or .64 acres) – 79 space municipal parking lot
 - Cannon Street Right-of-way – DeLo Phase 2 Woonerf
 - Block Design – complies with MUDDSG
- **Final PUD Request**
 - 23,000 SF Max. commercial

- Two 4,500 SF drive-thru
 - One 15,000 SF multi-tenant commercial (with drive-thru option)
 - Redevelopment will be complimentary to the surrounding land uses
 - Lends to the pedestrian-oriented nature
- Parking
 - MUDDSG states “an adequate supply of off-street parking is necessary for the commercial viability and success of new development in the MU-R and CC Districts.”
 - Providing 143 parking spaces
 - 77 required; 125% maximum (96 spaces)
 - Additional parking provides:
 - Flexibility on future land uses
 - Ability for parking agreement for adjacent Miner’s Field
- Bulk and Dimension Standards
- The proposed development complies with the majority of the bulk and dimension standards established in the MUDDSG. Exceptions highlighted below require a waiver:

CC zone district	Required	Proposed – DELO Plaza
Min. Lot Width	N/A	40'
Min. Building Coverage	30%	N/A
Min. Landscape Coverage	20%	10%
Max. Footprint	50,000 SF	15,000 SF
Max. Bldg. Length along street	350'	N/A
Min. % of street frontage	N/A	N/A
Building setbacks		
Min. & max. street setback (principal use)	Minimum: 15' Max: 60'	Minimum: 10' Max: N/A
Min. side yard setback (principal and accessory uses)	10'	0'
Min. rear yard setback (principal uses)	20'	5'
Min. rear yard setback (accessory uses)	20'	5' (lane)
Maximum Building Height		
Principal Uses	Min: 2 stories/35' Max: 3 stories/45'	Min: 1 story/16' Max: 3 stories/45'
Accessory Uses	20'	20' max.

- X – The yellow color denotes waivers being requested
- Site Plan
 - MUDDSG states “The orientation of a principal building is a major influence on the public realm. . .”
 - Two buildings located along Hwy 42
 - One multi-use, auto oriented building setback approximately 225 feet from Hwy 42
 - Staff believes the two buildings along Hwy 42 meet the intent of the MUDDSG
 - MUDDSG does not prohibit parking between building and street
- Pedestrian Circulation

Pedestrian users along Highway 42 have safe access to the commercial development, along Short Street and South Street, but will not have any mid-block access, unless they travel through the parking lot. Staff requests the proposed sidewalk match the sidewalk design included in the Highway 42 Plan.

- Signs
 - Building Mounted Signs
 - CDDSG permits:
 - 1 SF of sign area per linear foot
 - All copy shall not exceed 24 inches
 - Applicant proposing:
 - 2 SF of sign area per linear foot
 - All copy shall be 30 inches
 - Proposed building mounted signs do not comply with CDDSG
 - Four Monument Signs
 - Two individual identifiers, 8 feet tall, 45 SF, complies with CDDSG
 - One development identifier, 8 feet tall, 100 SF, does not comply with CDDSG in area and number
 - One Project Identifier, 21 feet tall (12 feet permitted), 200 SF (60 SF permitted) does not comply with CDDSG
- Landscape
 - MUDDSG 20% landscape coverage
 - Applicant proposing 10% landscape coverage
 - Staff acknowledges the reduction of landscaping allows for more flexible internal circulation and future land uses
 - Staff requires the following: Work with City Forester and Parks Project Manager to save as many trees as possible.
 - Staff also requires the parking on the east, along Hwy 42, be removed and replaced with a landscape buffer. This will increase the overall landscaping by 3,500 SF or 3% over the entire property.
- Architecture and Building Design Height
 - 35 feet, 26'3" proposed
 - Two stories—to promote mixed use on top, One story proposed
- Special Review Use
 - The MUDDSG requires an SRU for “City, state and federal uses and building”
 - This property is proposed to be used as a City parking lot
 - All five criteria must be met. Staff believes they are met.
- Waivers
 - The proposed development includes the following waivers to the MUDDSG:

Design Element	Required	Proposed
Site Plan		
Min. building Coverage	30%	20%
Min. landscape coverage	20%	10%
Max. street setback	60 feet	Approx.. 225 feet
Min. Side setbacks	10 feet	0
Min. Rear setback	20 feet	5 feet
Height	2 stories and 35 feet	1 story and 27 feet
Signs		
Monument	Max. Number: 3 Max. Height: 12 feet	Max. Number: 4 Max. Height: 21 feet
Building Mounted Signs	Sign Area: 1/1 ratio Character Size: 24 inches	Sign Area: 2/1 ratio Character Size: 30 inches
Parking Ratio		
Commercial/Retail	1/300 SF	1/250
Eating	Min.1/300 SF Max.125% of minimum req'd spaces	1/125

Office (Bank)	Min.1/400 Max.125% of minimum req'd spaces	1/125
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- Recommendations:
 - Staff acknowledges the development does the following:
 - Redevelopment is an investment in the community
 - Proposed use provides needed services within walking distance to surrounding residential, office and sports complex users
 - City will benefit from:
 - the platting of Cannon Street
 - City public parking (Downtown overflow and Miner's Field)

Staff Recommendations:

Staff recommends approval of the requested rezoning, final plat, final PUD, and SRU for DELO Plaza, with the following conditions prior to recordation of the plat:

1. The City and the applicant shall develop a shared parking agreement for the private surface parking lot for events at Miners' Field and larger downtown special events.
2. All signs, including any monument sign, shall comply with Chapter 7 of the CDDSG, as well as Section 17.24 of the LMC, including a 10 foot setback from right-of-way.
3. The applicant shall continue to work with Public Works on addressing the comments shown in the February 11, 2015 memo.
4. The proposed sidewalks shall match the sidewalk design included in the Highway 42 Plan.
5. Because the Hwy 42 sidewalk is required, the applicant shall modify the landscape sheets prior to recordation to remove the parking stalls, located along Highway 42, and be replaced with landscaping in compliance with the MUDDSG. The applicant shall also include an east/west sidewalk, connecting Highway 42 to the larger commercial building, via a sidewalk located within a landscape island.
6. Staff requests the applicant preserve as many of the existing trees as possible. The applicant shall work with the City Forester and Parks Project Manager, at time of construction drawings, to determine which trees may be preserved.

Commission Questions of Staff:

Moline asks whether the parking agreement lock in the location in the plat. He is concerned that there will not be enough commercial surrounding the Woonerf.

McCartney answers affirmative. There are 79 parking spaces and it was chosen primarily for its connectivity to the South Street Underpass and proximity to Downtown.

Russ says that during the negotiation of the site, Staff agreed with you, and wanted it to be in turn an asset for more intense development. The landowner refused and this is the settlement, and the only solution Staff could get.

Brauneis talks about the back of the building with a drive alley facing the parking area and the Woonerf. To activate a space and be pedestrian-oriented, he does not see it.

McCartney says there is a landscape buffer between the back of the building to the parking area. It is fairly thick with dense trees.

Moline asks why the parking and the street need the MUR designation.

McCartney says the zoning establishes it.

Russ says the "hatching" on the diagram represents ground floor retail within the MUR as mandatory.

Moline says that the commercial/retail on the first floor, residential bring above it and adjacent to the road, he found this appealing. He is concerned it has become parking.

Russ says Staff agrees in terms of this product and its relation to the Woonerf. There are a number of good things coming out of the development such as parking and Cannon plat that are critical to the long term success of the redevelopment district in Downtown.

Brauneis asks about the amount of parking, the waiver to go from a 20% landscape to a 10% landscape, and dropping the project from two stories to one stories. Why is the amount of parking needed or desired?

McCartney says Staff had the same concerns when working with the applicant. They wished to move forward without modifying the site plan. Staff is bringing forth their request for the overall parking area. This project can develop over time which gives it more opportunity to add additional uses and additional square footage.

Brauneis asks about saving the trees. Is the language strong enough?

McCartney says Staff will work with the City Forester and Parks Project Manager to see what is currently out there, look at the proposed plan, and see if the trees along South Street and Short Street are close to being reused.

Rice asks about Staff recommendation which states "The proposal submitted and waivers requested alone do not meet the City's criteria for investment." He asks for clarification.

McCartney says it states "proposal submitted and waivers requested alone." Staff believes this property with the soon constructed South Street Gateway, the approved Highway 42 plan, and the recommended DELO mixed use could facilitate higher development intensity. Staff believes there is additional potential along with this. The development alone does not necessarily follow the intent, but the future opportunities do lend to that.

Rice asks what are the criteria for investment we are talking about?

Russ says they are the Mixed Used Guidelines. When we want someone to invest in our City, we want them to meet our standards.

Rice says the second sentence in the paragraph is "Staff believes this property, could facilitate higher development intensities with a more walkable environment." He clarifies that more could be built on this property.

McCartney answers affirmative.

Russell says the City requires a maximum street setback of 60 feet. Why would the City require that.

McCartney answers that the idea was to bring the buildings as far forward as possible to lend pedestrian activity to the sidewalks. The site plan has two buildings along Highway 42 that lend some of that activity.

Russell asks about minimum side setbacks of 10 feet. Why would we require those?

McCartney says if the developer has a corner lot where the front might be Highway 42, it allows the building to be closer to the side street.

Russ says the 60 feet is fronting Highway 42, an arterial road. This gives businesses some relief instead of a zero setback seen in most pedestrian environments.

Russell asks about the two stories and 35 feet. What is the purpose of that?

McCartney says the two stories are to promote the mixed use, such as living on top and working below.

Russell says because we have these design guidelines, does this project advance that vision in any substantive way based on what we are being presented?

McCartney says yes, with the site plan and intent. Probably two of the three just discussed do comply. Having only a single story does not lend itself to mixed use. Having additional parking allows for the possibility of it should the economy request it.

Russ says the wants of mixed use versus the reality of economics, rezoning and marketing sometimes don't work well together.

Russell says the market drives product and a mix of uses and scale. Does it drive site plan?

McCartney says Staff feels the same, but the applicant has brought forth the site plan and insists on the locations.

Russ says site plan is influenced heavily by a number of factors in the market such as the number of roof tops within walking distance. With DELO going in and the activity Downtown has and the proximity to this is less than 500 feet away with the South Street Gateway, Staff believes the 225 feet setback request is more reflective of a suburban environment depended on highway arterial only.

O'Connell summarizes her thoughts. First of all, the City negotiated this purchase agreement, arrived at the conditions, and then City Council was presented with Resolution 62 signed back in October 2014. She asks if the PC has any power over this based on Resolution 62 to make any changes? She has read Resolution 62 in conjunction with the Sales Agreement and says it appears to be a "done deal". She thinks anything PC does is inconsequential.

Russ says this is how it was presented by the landowner. There are conditions that Staff has put on that were silent in the agreement that Staff feels there is room to get better out and gain parking. We are not bound by the Purchase Agreement of this parking.

O'Connell says that based on her interpretation of what the Resolution says, City Council has an obligation to pursue and make sure this Purchase Agreement goes through. So if we, as PC and Planning Department make recommendations otherwise, City Council is still bound by what they have agreed to under the Resolution.

Russ says the agreement is contingent on approval of the PUD. If the PUD is approved by City Council with terms that are inconsistent with the agreement, then the agreement is null and void.

O'Connell asks if the City Attorney has reviewed the Resolution and the Purchase Agreement?

Russ says this is his understanding.

Applicant Presentation:

Justin McClure, RMCS, 105 Cherrywood Lane, Louisville, CO 80027

In presenting DELO Phase 2 on February 12, 2015, he stated that the site plan included the DELO Plaza redevelopment opportunity as well as the Boom redevelopment opportunity. In context discussing consistency of site plan with DELO Phase 2, he wishes to discuss consistency of the site plan of DELO Plaza.

The site plan is the original site plan presented with the Resolution 62 and Purchase Agreement. In his opinion, the MUDDSG is present for good reasons but in hindsight, the hatched areas were modified. The hatching was included to eliminate the requirement for retail on the ground floor. Why was that eliminated? Because it was not viable. The internal mid block of Cannon Street was not viable to actually support retail uses. The residential densities and neighborhood create the market condition. Exhibit A was modified. There are architectural conditions put in place in DELO Phase 2 that essentially look retail. As a correlation, when looking at MUDDSG as it relates to an auto-oriented highway development, this is an incredibly difficult corridor to put retail on.

McClure is presenting tonight as the owner's representative for Tebo Properties. They own and manage over 2 million square feet of retail space. They are knowledgeable on how to maximize profitability of projects. Tebo Properties owns Christopher Village and other developments in Louisville. The upper floor in Christopher Village almost never leases out and there are consistent issues with vacancy. From an investment perspective, how do you make a property developer want to put dollars into an area? What works on Highway 42? As the chief developer of DELO, how does that area redevelop? The property is located at DELO's front door. Considering the entire Highway 42 corridor, what development proposals are being presented with retail projects? Using the Boom project as an example, it is several months away from a

mixed use redevelopment proposal. It will not be submitted as the entire Boom property but half, since some is developed, produces good cash flow, and has long term tenants.

Regarding the DELO Plaza proposal, he feels it is “above and beyond” what is currently situated at the site. He feels this area has been the “eyesore” of Highway 42 and is not indicative of the quality of the larger community. McClure states that the DELO Plaza is a catalyst project and will encourage other property owners to come forward. Stephen Tebo and Tebo Properties are submitting this development of 100% retail and they are encouraging the Boom family to redevelop their property. McClure shows photos of the property in 2010 which was an old concrete batch plant. He feels the photos show the property to be blight. He shows the view from DELO Phase 2 development with the back of Alpine Lumber.

McClure shows photos of a McCaslin development that previously was office use (Cherry and McCaslin). Koelbel redeveloped the project with minimal landscape intrusion, parking in the front, the building situated diagonally and not 225 feet back, and maximum street frontage to the corridor. The building is now anchored by Qdoba, Starbucks, Dickies, and Smiling Moose. He thinks this is the most successful retail property in the McCaslin corridor. He feels you can see where to park and see the tenants.

He then shows development along McCaslin farther north with large buffers, signage not easily seen, and no visible parking. There are vacancies in these buildings.

McClure discusses signage, landscaping, and buffering setbacks in regard to a viable retail development. He is concerned that a developer will not build a project that will not attract tenants or cause tenants that leave because it is not profitable and successful. He shows “birds eye views” of before and after the proposed DELO Plaza.

Condition 2 states: All signs, including any monument sign, shall comply with Chapter 7 of the CDDSG, as well as Section 17.24 of the LMC, including a 10 foot setback from right-of-way. McClure says they are open for conversation but respectfully request the condition be removed. Good signage and visibility are necessary since it is auto-oriented.

Condition 3 states: The applicant shall continue to work with Public Works on addressing the comments shown in the February 11, 2015 memo.

McClure says there is one comment in the memo specific to drainage. There is a crown in the middle of the property. The southern portion drains to Highway 42 infrastructure. The northern portion will drain into the twin 60 inch RCP that are being improved as part of the DELO Phase 2 project. They are trying to preserve natural grade and minimize expense. The 60 inch RCP will drain in the core area pond. It adds a \$70,000 additional cost to the project.

Condition 4 states: The proposed sidewalks shall match the sidewalk design included in the Highway 42 Plan.

McClure says that instead of making improvements now and then have them removed when the City implements sidewalk construction adjacent to Highway 42, they wish to contribute funds to the Access Control Plan Improvements.

Condition 5 states: Because the Hwy 42 sidewalk is required, the applicant shall modify the landscape sheets prior to recordation to remove the parking stalls, located along Highway 42, and be replaced with landscaping in compliance with the MUDDSG. The applicant shall also include an east/west sidewalk, connecting Highway 42 to the larger commercial building, via a sidewalk located within a landscape island.

McClure says if the buffer is installed, parking is removed, and then landscaped, retail will not be visible. The landowner wants to develop the property with retail visibility and opportunity for

the project. Site lines and visibility on Highway 42 show it is auto-oriented. They are agreeable to the east/west sidewalk.

Condition 6 states: Staff requests the applicant preserve as many of the existing trees as possible. The applicant shall work with the City Forester and Parks Project Manager, at time of construction drawings, to determine which trees may be preserved.

McClure wants to add at the end "However, no eventual modifications be made to the property line or hard lines as a result of preserving existing trees." Preserving the trees may be affected by horizontal infrastructure with new water lines, new sewer, and new storm drains. The tree root structure could be damaged. They will save and preserve as many trees as possible, but it cannot modify property lines.

Commission Questions of Applicant:

Russell asks about 60 feet versus 225 feet, about showing parking spaces to vehicles driving by the site. He asks if the MUDDSG does not work or is there a place in the City where they would work? Russell says that the Highway 42 Plan is generally supportive of the MUDDSG in bringing property closer to the highway. Is this plan fundamentally flawed as well?

McClure answers affirmative regarding 60 feet versus 225 feet. Regarding MUDDSG, at this time, they will not work. If they did, there would be additional redevelopment opportunities submitted. This property currently generates good rent income but the landowner is willing to come forward and take risk to redevelopment the property. Regarding the Highway 42 Plan, McClure says yes, the Plan is flawed because the densities permitted in the area do not support it.

Rice asks McClure about why the PC should waive the sign code limits. Rice asks if they are willing to consider some "between", what the limits are from the Code, and what you are proposing.

McClure says the sign issue is complicated. He thinks the City has been incorrect in addressing parking and signage. Retailers need an opportunity to be successful. If a project is auto-oriented, retailers need signage from the highway. If signage is a deal breaker, he will submit a number that will be more suitable. He feels that a 12 feet height is not sufficient.

Brauneis says he thinks this project resembles "an island unto itself". The history of the projects around it confirms this. He does not think it interfaces with the community around it. He feels it does not live up to the high level of quality of the surrounding projects. Brauneis asks Staff if they have seen the yellow text to the conditions submitted this evening.

Russ says yes.

Brauneis says the proposal is single story, appears only auto-oriented, turns its back on three sides to the neighborhood and its interface with the Woonerf, and it is so over parked.

McClure speaks about the Woonerf. He feels this is a viable opportunity. He thinks pushing the Woonerf treatments into the parking lot for public events. It could turn into a public space

Moline asks about the rationale of the parking.

McClure says restaurants use 6-8 parking spaces per 1000 square feet ratio. He thinks DELO Plaza will be restaurant-heavy due to proximity to Downtown. The landowner wants to maximize the success on the investment.

Russell says this appears to be a suburban template adapted to the site (minimal obstruction between road and building, and lots of parking). Using Hobby Lobby as an example with lots of storefront and lots of parking, nothing obstructing the view, he thinks it is a grossly under-performing property. Why will that model work here?

McClure says to address the vacancies in Louisville, many times it is access to get into a project. With this project, we have access issues. He hears there are funds to signal Short

Street which is important for the property. DELO Plaza would not be developing without DELO. Regarding King Soopers and Hobby Lobby, there is zero walkability. This project will be an auto-oriented development and it is adjacent to a pedestrian-friendly project. The over parking will benefit Miner's Field in a significant capacity.

Public Comment:

Sherry Sommer, 910 South Palisade Court, Louisville, CO 80027

It appears to her that the City wants parking from this project, yet who gets the parking develops "organically" with no rules. If more residential is built, then parking will be claimed by them.

Parking is valuable. She says she is not thrilled by the development with another restaurant and a big expanse of parking. Is it pedestrian friendly because it has sidewalks across it? Why walk across a parking lot? Why use the McCaslin example, which she thinks is ugly, and say "this is how it could be?" The extra landscaping could be made into a sitting area and a feeling of nature. She feels there is loss of potential for something better. The Cultural Council is looking for more art in Louisville. Why just restaurants? She does not like the signage. Louisville is a conversational place. Big signs are like a huge scream (come to our place) and a big brassy shout-out.

John Leary, 1116 Lafarge Avenue, Louisville, CO 80027

He feels this is a situation where the "chickens have come home to roost". Development of this area was pushed on an ideological basis with mixed use. Never did the market research support the concept of mixed use. This will be a car-oriented development. It is important to make it look as good as possible, but there are certain realities. Ideology can make you feel good for a time, but this whole area was characterized from Day One. He feels the agreement that City Council signed with the landowner makes a mockery of this quasi-judicial process. The Council chose to do it. He feels the PC is in a bad position.

Randy Caranci, 441 Elk Trail, Lafayette, CO 80027

He is not opposed to seeing commercial development in this area. He has expressed his issues with Justin McClure and other people at different meetings. He agrees with Commissioner Brauneis. He feels there are two front doors to this development, Highway 42 and the South Street Gateway. The backside of the buildings will not sit well. The redesign of Highway 42 was presented at an LRC meeting and he did not agree with it at the time. After studying it, he now agrees with it. The difference is that it is not funded and there is no projection date on the funding. There will still be 45 mph traffic instead of 35 mph. The street landscaping will not be there. The design of the buildings themselves is cookie-cutter (they look like Aurora). He is a long-time resident. This design is a strip mall. It is a gateway to the east side of Louisville and is not inviting. He is confused with square footage for commercial. One stated 13,000 sf and another of 31,000 sf in an LRC meeting, and 23,000 sf presented tonight. He feels a level of disappointment from the Commissioners. It appears tied to getting Cannon Street through by DELO Phase 1, not DELO Phase 2. He wants to see the area redeveloped, but wants it to be a higher standard than seen right now.

Summary and request by Staff and Applicant:

Regarding landscaping standards, Russ says that the most successful shopping center on McCaslin has 40 feet of landscaping between the sidewalk and the parking. Staff is requesting 30 feet in this plan.

Regarding sign standards, Russ says the McCaslin shopping center complies with the CDDSG sign guidelines. This project is requesting a sign 8 feet taller. Staff agrees with the signage for Chipotle and Bean and Berry. They do not meet the standards. The PUD restricts those properties from meeting the City standards.

Russ says the shared parking for DELO Plaza does not need a note in the PUD. The applicant was concerned about this. The parking agreement shall be included in the subdivision agreement. Staff feels that Miner's Field and Downtown will benefit for the excess parking. Regarding Public Works, Staff has had detailed conversations with Engineering. Staff thinks there is a design solution that can meet their concerns. The proposed design is not it. Staff thinks the water can go north and east. The Public Works Director and City Engineer made it clear the water should not go south. Staff feels the solution can be worked out before it goes before City Council.

Regarding the sidewalk and proposed sidewalk, Staff agrees with the timing concerns. Staff is proposing "The proposed sidewalk, to the extent practical, shall match the sidewalk design included in the Highway 42 Plan. The applicant will contribute funds for the construction of the sidewalk, in concert with Highway 42 and Short Street Intersection Improvements." The City is moving forward with improvements to the South Street intersection. The City does not have the warrant from CDOT so no signal can be put in, but the City can affect all the geometrics around it. The City will use the CDOT money to get footings and foundations for the signal as well as get the sidewalks and curbing installed.

Regarding the 20 foot parking addition would create a 30 foot buffer, 10 feet less than the McCaslin shopping center. There is flexibility if necessary to relocate the 3% elsewhere on the site. Staff is working on a northwest mobility study to get an RTD bus route on Highway 42. The bus route would run from the Broomfield Event Center through Interlocken, through the Colorado Technology Center, up Highway 42 to serve Downtown, and a stop may come in on Cannon or on South Street, hence the midblock crossing. RTD says the route is viable, it just needs connection to the CTC. Staff is working to punch a road from 95th Street to Arthur in the CTC at the railroad bridge. It has been conceptually engineered. In the next three to five years, the bus route will be operating.

Regarding preservation of existing trees along Short and South Streets, Russ says there are existing high quality hackberry and honey locust trees in their sidewalk greenway. Staff wants to specifically look at right-of-ways.

Russ apologizes for this conversation in front of the PC. Staff made the presentation to the applicant that it needs to be continued in order to work it out. The applicant has a right to continue the hearing. The applicant feels the clock is running low from their perspective. Staff recommends continuance rather than denial.

McClure says it is Conditions 2, 5, and 6 that are problematic. Conditions 1, 3, and 4 are okay. Condition 2 is a height sign issue for the project identifier of 21 feet. They are willing to compromise.

McClure says Condition 5 is the landscaping and increased buffer. The landowner will not remove the parking and is non-negotiable. They will add sidewalks but the removal of the parking and associated landscape buffer is non-negotiable.

McClure says Condition 6 with Staff's addition of "along Short and South Streets" is more restrictive. If during construction process, the root ball is damaged and the tree dies, they do not want to be committed to an obligation. The project landscape architect says it will not be possibility as proposed. He requests going back to the original language of Condition 6.

Russ says that Staff agrees with the blight observation existing on this particular site. What is proposed is significantly better than what is currently there. The City is getting an asset for the parking and getting cooperative framework along the block. Staff feels this property will, over time, get to the MUDDSG. Staff is not comfortable with the signage. PC and City Council can decide it. Staff recommends approval for this project. Staff recognizes its shortcomings. Staff does not agree with the applicant's perception of the MUDDSG. Staff recommends this project be approved with the conditions as negotiated but are intractable on the signage.

McClure says the sign issue can be negotiated to splitting the difference. The applicant suggests 16.5 feet as opposed to 21 feet. The applicant does not want to go below.

Closed Public Hearing and discussion by Commission:

O'Connell feels strongly about this issue and is strongly against negotiating with it. She feels the developer is trying to hold the City hostage. The state of the property according to the applicant is almost blight. If it is blight, the City should be able to do something to correct it without developing it. Once DELO is developed as a housing development, the situation will change. The developers for DELO will pull put pressure on the surrounding properties for improvement. The MUDDSG are in place and if this development is accepted, we are disregarding them. We should not go with something that works for now as something better may come forward. This area may become more pedestrian-oriented than car-oriented. The PC is being asked to approve a "sea of waivers". The developer under the agreement is supposed to receive \$217,000 for 0.6 acres. The development will make a lot more money once the surrounding areas are built. She agrees with Mr. Leary that the PC is in a less than ideal situation where the agreements have already been worked out.

Rice has mixed emotions about the proposed entire development as well as the manner it was discussed. He wants to see the property developed because it has a lot of potential from a commercial standpoint. It will drive a lot of revenue for the City. The City Council has established it a priority to get public parking and here is an opportunity. This is a proposal with more conditions usually seen and now with modified conditions. This project is not ready for the PC consideration.

Russell says it has been an interesting conversation with lots of critical issues at stake. He remembers granting flexibility regarding the McCaslin property. It needs to conform to the vision the public has articulated. There is a desire to skew away from highly car-oriented development. It doesn't feel ready to him. He wants to continue it.

Moline says he appreciates McClure's comments and thoughtful dialogue. Part of this property should and could be auto-oriented facing Highway 42. The part facing Cannon Street and the Woonerf needs to look differently. He thinks the creativity and development of DELO deserves a little more from this proposal.

Brauneis says that with the new signal, this is a new gateway to DELO and the South Street Gateway to Downtown. He appreciates that auto-oriented development in this location would probably be very successful. He feels this is a strip mall proposal. The site is rich enough particularly with the development around it. The City can do more with that site. The short term thought of "we need to do something so let's settle for this" is not a position he is comfortable with at this point. He is not in support.

Pritchard says the City of Louisville is on a time line. The financing for business improvement is funded through tax increment financing (TIF). The clock is ticking. This area has been discussed for over 20 plus years. The owner can walk away and the City can look at old Alpine Lumber for another 15 years. Downtown residents are in need in additional downtown parking, especially during events. DELO and their commitments are starting the process. He is not happy with six conditions. He is looking for a continuance. He wants further clarification on the City's position.

Further discussion between six Commissioners discussing continuance versus motion to vote.

Russ says from a procedural perspective, if the PC chooses to continue the project, Staff requests it is cleared by the applicant. If PC chooses to deny the project, Staff will come at the next PC meeting with a resolution of denial with findings of fact.

Motion made by O'Connell to approve DELO Plaza: Resolution 11, Series 2015: A resolution recommending approval of a Rezoning, Final Plat, Final Planned Unit Development (PUD) and Special Review Use (SRU), with six conditions. Seconded by Brauneis. Roll call vote.

Name	Vote
Chris Pritchard	No
Jeff Moline	No
Ann O'Connell	No
Cary Tengler	----
Steve Brauneis	No
Scott Russell	No
Tom Rice	No
Motion passed/failed:	Fail

Motion denied 6-0.

➤ **Small Area Plan – McCaslin (Measures of Success)**

Pritchard proposes to continue Small Area Plan-McCaslin to the April meeting. One citizen speaks because she has waited through the meeting.

Camilla Donnelly, 2366 Senator Court, Louisville, CO 80027

The area covered by the McCaslin Small Area Plan was initially designated Community Commercial by the previous Planning Commission. It was set aside to offset the costs associated with the Planned Residential Units built in the 1970s and to provide for the long term financial needs of the City of Louisville. Her understanding is that this area currently provides 53% of the retail sales tax collected by the City of Louisville, 32% of the consumer tax collected, and 100% of the lodging tax collected. The other important part of this tax revenue is that it is regional and therefore, a good percentage of it is paid by people who live outside of Louisville. Due to the additional need created by growth in other parts of Louisville, we need additional revenue from this area now and into the future to meet our service and capital needs. To consider putting in any more residential units in this area mystifies her. We need to hold onto the dwindling areas we have, even if it takes many years to fill them. Once they are covered by residential dwellings, they will be lost forever and we are risking becoming a bedroom community of Boulder. She did not hear much of a focus in the McCaslin Small Area Plan on commercial zoning but rather talk of residential and mixed use which usually involves neighborhood retail rather than regional retail, and it is known that regional retail becomes in nonresident dollars. She begs of you to preserved the McCaslin area as the City's main commercial base and make it the most important project principle of this plan, and develop actions that will lead to the fulfillment of this principle. She is counting on you to be as wise as your predecessors and to keep the City of Louisville solvent as it grows now and into the future.

O'Connell makes motion to enter an email received on this matter from Carrie Cortiglio, seconded by Rice. Passed by voice vote.

Planning Commission Comments
None.

Staff Comments

Russ describes the boards around the Council Chambers are from the Historical Preservation Master Plan effort last night, Wednesday, March 11, 2015. They had a very good turnout,

approximately 60 to 80 people. The boards look at the decades of the City. Some residents told about historic moments.

Items Tentatively Scheduled for the regular meeting: April 9, 2015:

- **Grain Elevator Final Plat and PUD: (Louisville Mill Site, LLC.)** – A request for a final plat and PUD to allow for the construction of a new building and additions to two existing buildings totaling 27,000 square feet at the Grain Elevator site, 500-544 County Road. Case No. 14-048-FP/FS.
 - Applicant and Representative: Louisville Mill Site LLC (Erik Hartrnft)
 - Owners: City of Louisville and RCC LTD
 - Case Manager: Scott Robinson, Planner II
- **Live/Work Ordinance – CC zone district**
- **Small Area Plan – South Boulder Road**
- **Small Area Plan - McCaslin**

Adjourn. Motion made by Russell to adjourn, seconded by O'Connell. Adjourn to 10:29 pm.